GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Mines & Geology Department- Allegation of corruption of demand and acceptance of bribe amount of Rs.2,00,000/- against Sri Kancharla Veera Swamy S/o Late Venkateswarlu, Asst. Geologist O/o Assistant Director, Regional Vigilance Squad, Ongole - Trapped on 09.07.2020 - Departmental Proceedings under Rule 20 of Andhra Pradesh Civil Services (classification, control and Appeal) Rules, 1991- Articles of charges – Issued.

INDUSTRIES & COMMERCE (VIGILANCE) DEPARTMENT

G.O. Rt. No.22 **Dated:06/02/2024**

Read the following:

1. R.M. in Cr.No.5/RCT-ACB-GNT/2019, dt.10-7-2020 of the D.S.P, ACB, Guntur.
2. From the DG, ACB Lr. RC.No.49/RCT-VGT/2020-S.17, dt.15.09.2020.
3. From the DG, ACB Lr. RC.No.49/RCT-VGT/2020-S.17, dt.10.11.2023.

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ORDER:-

It is proposed to hold an enquiry against Sri Kancharla Veera Swamy, Asst Geologist, O/o Assistant Director, Regional Vigilance Squad, Ongole in accordance with the procedure laid down in Rule (20) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. The enquiry shall be conducted/ caused to be conducted by Principal Secretary to Govt. (Mines), AP Secretariat, Velagapudi.

2. The substance of the imputation of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of oral by whom the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV).

3. Sri Kancharla Veera Swamy, Asst Geologist, O/o Assistant Director, Regional Vigilance Squad, Ongole is directed to submit his written statement of defence within ten days of the receipt of this order and also state whether he desires to be heard in person.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

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5. Sri Kancharla Veera Swamy, Asst Geologist, O/o Assistant Director, Regional Vigilance Squad, Ongole, is further informed that if he does not submit his written statement of defence on or before the date specified in para (3) above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control, and Appeal) Rules, 1991 or orders/ directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri Kancharla Veera Swamy, Asst Geologist, O/o Assistant Director, Regional Vigilance Squad, Ongole is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri Kancharla Veera Swamy, Asst Geologist, O/o Assistant Director, Regional Vigilance Squad, Ongole (w.e., Annexures-I to IV) through the Director of Mines & Geology,A.P.,Ibrahimpatnam, Vijayawada (with a request to serve the order on the individual and send the served copy with dated signature to Government).

The Director of Mines & Geology, B Block (5th and 6th Floors), Anjaneya Towers, Ibrahimpatnam, Vijayawada, Krishna District.

Copy To:

The Director General, ACB, PNBS, Vijayawada

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, A.P.Secretariat,Velagapudi.

Sc/Sf.

//FORWARDED:: BY ORDER//

K. Roopa
SECTION OFFICER

ANNEXURE -I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI KANCHARLA VEERA SWAMY S/O LATE VENKATESWARLU, AGED 46 YEARS, ASST., GEOLOGIST, O/O AD, REGIONAL VIGILANCE SQUAD, ONGOLE.

That Sri Kancharla Veera Swamy, S/o Late Venkateswarlu, Aged 46 years, Asst., Geologist, O/o AD, Regional Vigilance Squad, Ongole, (now working in the O/o District Mines and Geology office 54-19-22/5A, Second floor, Jai Prakesh nagar, 3rd line LIC colony, Vijayawada, NTR District) (here-in-after referred as Government Servant) while functioning as such during the period between 01.03.2019 to 09.07.2020 (Date of trap) committed grave misconduct in as much as.

Article of Charge:

"That the Government Servant in abuse of his official position, demanded and accepted Rs.2,00,000/- as bribe amount from Sri Battu Vijay Sagar, S/o Nagaraju, Age 28 years, Challapalli(V) & (M), Krishna District (Complainant) on 09.07.2020 for doing the official favour to reduce the compounding fee amount from Rs.5,00,000/- to Rs. 1,00,000/- imposed during his inspection on 06-07-2020 with regard to violation of condition of sand de-casting license at Bommuvanipalem village, Kollipara Mandal, Guntur District.

Thus, the Government Servant by his above-mentioned acts exhibited lack of devotion to duty, failed to maintain integrity, behaved in a manner unbecoming of a Govt. Servant and brought down the prestige of the Government and thereby violated/ contravened Rules 3 (1),3 (2) of APCS (conduct)Rules, 1964.

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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ANNEXURE -II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI KANCHARLA VEERA SWAMY S/O LATE VENKATESWARLU, AGED 46 YEARS, ASST., GEOLOGIST, O/o AD, REGIONAL VIGILANCE SQUAD, ONGOLE.

Sri Kancharla Veera Swamy, S/o Late Venkateswarlu, Aged 46 years, Asst., Geologist, O/o AD, Regional Vigilance Squad, Ongole (now working in the O/o District Mines and Geology office 54-19-22/5A, Second floor, Jai Prakesh nagar, 3rd line LIC colony, Vijayawada, NTR District). His date of birth is 25.10.1974. He entered into Government service on 09.06.2006 as a Technical Assistant. Subsequently, he was promoted as Asst. Geologist on 01.03.2019. He is drawing Basic Pay of Rs.70,805/-. He retires on 31.10.2036 on attaining the age of superannuation. He is here-in-after referred to as Government Servant (G.S).

Article of Charge:

"That the Government Servant in abuse of his official position had demanded and accepted Rs.2,00,000/- as bribe amount from Sri Battu Vijay Sagar,S/o Nagaraju, Age 28 years, Challapalli village & Mandal, Krishna District (Complainant) on 09.07.2020 for doing the official favour to reduce the compounding fee amount from Rs.5,00,000/- to Rs.1,00,000/- with regard to violation of condition of sand de-casting license at Bommuvanipalem(V), Kollipara (M), Guntur District.".

Facts and Evidence:

On 07.07.2020, the Complainant Sri Battu Vijay Sagar,S/o Nagaraju, aged 28 years, Challapalli village & Mandal, Krishna District came to ACB Office, Guntur, and presented a complaint stating that the Asst., Geologist, O/o Asst. Director, Regional Vigilance Squad, Ongole, Guntur had demanded a bribe amount of Rs.2,00,000/- from the complainant for doing the official favour to reduce the compounding fee amount from Rs.5,00,000/- to Rs.1,00,000/- with regard to violation of condition of sand de-casting license at Bommuvanipalem(V), Kollipara (M), Guntur District.".

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After following due procedure, the DSP, ACB, Guntur registered the complaint as a case in Cr.No.05/RCT-ACB-GNT/2020 U/s 7(a) of the Prevention of Corruption (Amendment) Act, 2018 on 09.07.2020 and took up investigation.

On 09.07.2020 at about 13.30 hours, the Government Servant was successfully trapped when he further demanded and accepted the bribe amount of Rs.2,00,000/- from the complainant in front of SBI ATM abutting to SBI bank, Chandramouli Nagar Branch, Brindavan Gardens, Guntur City for the above-said official favour.

The Chemical Tests were conducted on the Government Servant's hand fingers and on the surface of the rubber foot mat of Govt. Servant's Hero Pleasure Motor Cycle bearing No. AP07 EB 2463, which yielded positive results. The DSP when asked the GS about the bribe amount, the Govt servant said he threw away the tainted bribe amount on his Hero Pleasure Motor Cycle bearing No.AP07 EB 2463. Later, the DSP along with the mediators seized a wad of currency notes which was thrown by the GS on his motorcycle rubber foot-mat. When compared, the serial numbers of the wad of tainted currency notes found tallied with the serial numbers of the currency notes produced during pre-trap proceedings. Hence, the DSP., ACB, seized the said amount of Rs.2,00,000/- for the purpose of investigation. The chemical test was conducted on the surface of the rubber foot mat of Hero Pleasure Motor Cycle bearing No AP07 EB 2463 of the Govt. servant also yielded positive results.

When the DSP questioned the Government Servant about the possession of a tainted bribe amount of Rs.2,00,000/- in his Hero Pleasure Motor Cycle bearing No.AP07 EB 2463, foot mat, about his trap and recorded his version. The GS stated in the presence of mediators that he has been working as an Asst. Geologist in the office of Asst. Director, Regional Vigilance Squad, Mines & Geology Dept., Ongole since 01.03.2019. Their office is having jurisdiction over 3 districts i.e., Guntur, Ongole and Nellore. As per the job chart, they will also inspect the sand reaches and quarries. On

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06.07.2020, he and M. J. Ratna Kanth Babu, Royalty Inspector, Ravi, Attender, and Poorna, Driver went to PL3 sand reach of Sri Bulla Kishore and Battu Vinay Kumar, maintained by the Complainant Sri Battu Vijay Sagar, brother of Vinay Kumar, inspected the same and found that the license was de-casting the sand beyond the boundary at one survey point by violating the license conditions. When they inspected the above sand casting reach, one Sri K. Jai Gopal, a clerk working under the Complainant was present. Then, they informed the said Jai Gopal to intimate about the inspection to the Complainant and asked him to contact him. On 07.07.2020, when the Complainant contacted him over the phone, he asked the Complainant to come to O/o Deputy Director, Mines & Geology, Guntur, located at 3rd line, Vidya Nagar, Guntur.

Accordingly, the Complainant met him on 07.07.2020 at about 5.30 PM near the office of DD, M&G, Guntur. Then, he instructed the Complainant to pay fine of Rs.1,00,000/- for his violation. Accordingly, on 09.07.2020, the Complainant brought the fine amount of Rs.1,00,000/- and made a phone call to him. Then, he instructed to remit the same in Govt., Accounts in SBI, Chandramoulinagar branch, Brindavan Gardens by collecting a challan form from typist Srinivasa Rao in the office of AD, M&G, 4th line, Pandiripuram, Guntur in favour of AD., Mines & Geology, Guntur. After the payment of Challan, the Complainant informed him about the payment of Challan. Then, he came to Brindavan Gardens Center on his two-wheeler to meet the Complainant so as to collect the Challan. When he was collecting the challan, he was surrounded by ACB officials. So saying, the GS has opened the boot space cover (seat) of his two-wheeler, picked out a Challan Book, and produced it before the mediators. On perusal of the receipt book in APTC form No.7, it is triplicate from serial No. 0099751 to 0099800. It is used up from 0099751 to 0099765. The last compounding amount receipt No.0099765 was raised on 07.07.2020 in respect of the violator Bulla Kishore Kumar for illegal excavation of sand at Bommuvanipalem, Kollipara for the receipt of compounding amount of Rs.1,00,000/-. It is further revealed that the GS signed on the receipt and he also obtained the signature of the

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Complainant on the receipt. It is further revealed that the three copies of the receipt are intact, not torn, and issued to the payer of the amount. The book was attested by the mediators and the DSP and it was seized by the DSP for the purpose of investigation.

When the DSP instructed the GS to produce the challan handed over by the Complainant just prior to the arrival of the Trap Party, then the GS picked out a paper from his shirt pocket and produced it before the mediators. A perusal of the same revealed that it is the Challan Reference Form with transaction ID No.40038760782020, Dt. 09-07-2020 for the payment of Rs.1,00,000/- issued by the State Bank of India, CM Nagar, Guntur. At the column of remitters of name and address, it was filled as K. Veera Swamy, Asst. Geologist, Office of RVS, Ongole. The above Chalan Reference Form was attested by the mediators and the DSP. The DSP seized the original challan.

Then, the DSP, ACB, Guntur called the complainant Sri Battu Vijay Sagar, who is waiting at a distance, and asked him to narrate as to what had happened after he left the trap party. Then, the complainant stated that when he was instructed by the Government Servant to pay challan for Rs.1,00,000/- he went into the Office of Asst. Director, M&G, Guntur along with accompanying witness Sri Guduru Naresh, collected Challan form from Typist Srinivasarao. Later, he and Sri Guduru Naresh proceeded to the SBI at Brundavan Gardens in his car, remitted the amount of Rs.1,00,000/- through challan as per the instructions of the Government Servant on his behalf, informed the same to the Government Servant over the phone. On that, the Government Servant asked him to wait there saying that he was coming there. Then, he informed about the instructions of the Government Servant to Sri G. Sridhar, Inspector, and waited there till 13.25 hours. At 13.25 hours, the Government Servant came to him on his Hero Pleasure two-wheeler No.AP7EB 2463 and met him. Then, the Government Servant asked him to hand over the Challan. Then, he took out the

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Challan paid by him and handed over the same to the Government Servant. The Government Servant kept the Challan in his shirt pocket. Then, the Government Servant asked him whether he brought the amount demanded by him or not. When he replied in affirmative, the Government Servant asked him to pay the amount. Then, he took out the tainted bribe amount from his Jean pant's right side front pocket and gave the demanded bribe amount of Rs.2,00,000/- to the Government Servant. The Government Servant took the bribe amount with his right hand and altered the same into his left hand in order to place the bribe amount in the boot space of his two-wheeler by opening the key with his right hand. Immediately, he gave the pre-arranged signal by wiping his face with his handkerchief to Sri G. Sridhar, Inspector who in turn relayed the same to the other members of the trap party. When the members of the trap party rushed to surround the Government Servant, the Government Servant noticed them, stopped opening the boot space, threw the wad of tainted bribe amount on the rubber foot mat of his two-wheeler, and tried to flee away. Meanwhile, the members of the trap party surrounded the Government Servant. Then, the DSP, ACB, Guntur ascertained the identity of the Government Servant and instructed the Complainant to wait at a distance until he was called.

The DSP informed Asst. Director, Regional Vigilance Squad, Ongole about the trap of his subordinate Sri K. Veera Swamy, Asst., Geologist, and requested him to attend ACB Office, Guntur to be present during the proceedings. He stated that he was at Guntur camp and will come at the earliest.

Then, the DSP has examined the scene of offence in the presence of mediators and got prepared a Rough sketch of the scene of offence with all details, duly attested by the mediators and the DSP. Most of the shops were found closed due to COVID-19. In the shopping complex of NTR stadium, the shop of Dasari AdiSeshaiah and Chirumamilla Gangadhar were found opened.

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Then DSP, ACB, Guntur has examined **(1)** Dasari AdiSeshaiah s/o Hrudayswara Rao, aged 44 years, Rythu Nestham Natural Products, shop in NTR Municipal Stadium, Opposite to SBI, Brundavan Garden center, Guntur R/o D.No.2-75, Chamallamudi village, Vatticherukuru Mandal, Guntur District and **(2)** Sri Chirumamilla Gangadhar s/o Gopala Rao, 46 years, Cycle shop, NTR stadium, Municipal shopping complex opposite to SBI, Brindavan Gardens, Guntur R/o D.No.5-90-33/4, 7/1 Chandra Mouli Nagar, Guntur who are the neighbors to the scene of offence and recorded their statements.

Meanwhile, Sri K.Venkateswarlu, Asst. Director, Regional Vigilance Squad, Ongole attended before DSP and he was requested by the DSP to be present during the entire proceedings. On examination, he stated that he is working as the Asst. Director, Regional Vigilance Squad, Ongole since 29.4.2020. His office is having jurisdiction over three districts viz; Guntur, Ongole and Nellore District. They will generally inspect quarry lease/ Mining lease/ mineral dealer licenses/ checking of transportation of minerals. He further stated about the procedure for the issue of license for de-casting sand in Patta Lands and finally stated the officials of M&G department are not entitled to collect any compounding amount from the lease holders directly for the violation noticed in the specified area of lease agreement. He further added that in this instant case, if at all the Government Servant has noticed the violation at the excavation point, he shall report the violation to the Asst. Director, Regional Vigilance squad, Ongole for taking necessary action. In fact, the AD, RVS, Ongole is also not competent to levy any compounding amount and he in turn will report the violation at the specified area to the Director of Mines & Geology, Ibrahimpatnam. But the Government Servant has levied the penalty of Rs.1,00,000/- by raising receipt to the reasons best known to him. The AO did not avail any leave during the month of July,2020.

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In the light of above version of Sri K. Venkateswarlu, when Government Servant was questioned about his collection of Rs.1,00,000/- from the complainant as compounding amount though he is not competent, the Government Servant did not give any reply and kept quiet.

Since prima facie case is made out against the Government Servant, DSP arrested the Government Servant at 22.00 hours on 09.7.2020 after explaining the grounds of his arrest.

ORAL EVIDENCE:

The following oral evidence is available to substantiate the allegation:-

1. **Sri Battu Vijay Sagar, S/o Naga Raju, Age 28 Yrs, Challapalli Village & Mandal, Krishna District.**

He is the Complainant in this case. On examination, he corroborated the contents of his report submitted to ACB, Guntur, Pre and Post-Trap Proceedings, Dt.09.07.2020 to the extent concerning to him.

During the course of investigation, the statement of the Complainant was got recorded U/s 164 Cr. PC by the Hon'ble III AJCJ, Guntur on 03.11.2020. A perusal of the copy of the statement recorded U/s 164 Cr.PC revealed that the Complainant corroborated the contents of his report submitted to ACB, Guntur, Pre and Post-Trap Proceedings, Dt. 09.07.2020 to the extent concerning to him.

2. **Sri Guduru Naresh, S/o Seshagiri Rao, Age 37 yrs, Native of Machilipatnam, R/o D.No.2-175, Opposite to Rajya Lakshmi General Stores, Ranga Bomma Center, Kanuru, Vijayawada.**

On examination, he stated that he is a friend to the Complainant. On 07.07.2020, at the request and dictation of the Complainant, he scribed the report addressed to the DSP, ACB, Guntur, and handed over the same to Complainant. On

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09.07.2020, at the request of the Complainant, he accompanied the Complainant to the ACB Office, Guntur witnessed all the Proceedings, and further corroborated the version of the Complainant in all material aspects.

The statement of the above accompanying witness was got recorded U/s 164 Cr. P.C. by theHon'ble III AJCJ, Guntur on 03.11.2020 and he corroborated the version in his 161 Cr. P.C statement.

3. **Sri Kamepalli Venkateswarlu, S/o Nagabushanam, Age 57 yrs, Asst. Director of Regional Vigilance Squad, Mines and Geology Dept., Ongole, R/o. Flat No. 319, Sri Krishna Residency, Tadigadapa, Vijayawada, now holding the Additional Charge as District Sand Officer, APMDC, Guntur.**

On examination, he stated that he is working as an Asst. Director, Regional Vigilance Squad, Ongole since 29.04.2020 and also holding the Additional Charge of District Sand Officer, APMDC, Guntur. His Office has jurisdiction over three Districts viz; Guntur, Ongole, and Nellore District. They will generally inspect Quarry Lease/ Mining Lease/ Mineral Dealer Licenses/ checking of Transportation of Minerals.

Regarding ordinary sand, pattadar/consent of Pattadar, application to accord permission for de-casting of sand through M/s. Andhra Pradesh Mineral Development Corporation (APMDC) Limited will be issued after receipt of NOC from the Revenue Department, Mandal Agriculture Officer, and River Conservator and after conducting a joint inspection of the Line Department (Other relevant Department). The Collector and District Magistrate will issue permission for the de-casting of sand and hand it over to M/s. APMDC Limited. The Pattadar shall enter an agreement with M/s. APMDC Limited and an amount of Rs.100/- per cubic meter will be paid to pattadar by M/s. APMDC Limited.

Subsequently, M/s APMDC Limited will give contract agreements to eligible

agencies for the excavation of sand from patta-land and transportation to the stock depot/ consumers. The entire Excavation, Transportation, Booking, and Supply of sand will be under the supervision of M/s. APMDC Limited. Regarding violation in the excavation of sand from patta-land, M/s. APMDC Limited is totally responsible. If any violation is noticed by the authorities, the same will be informed to the Competent Authorities of the Mines and Geology Department for taking necessary action. Then Competent Authorities will initiate necessary action including the collection of the compounding amount from M/s. APMDC Limited.

The officials of the Mines and Geology Department are not entitled to collect any compounding amount from the leaseholders directly for the violation noticed at the specified area in the Lease Agreement. He further added that in this context case, if at all the AO has noticed the violation at the excavation point, he shall report the violation to the Asst. Director, Regional Vigilance Squad (RVS), Ongole for taking necessary action. In fact, the AD, RVS, Ongole is also not competent to levy any compounding amount and he in turn will report the violation at the specified area to the Director of Mines & Geology, Ibrahimpatnam. But, the AO has levied the penalty of Rs.1,00,000/- by raising the receipt to the reasons best known to him. The AO did not avail of any leave during the month of July 2020.

4. Sri Mogili Vishnu Vardhana Rao, S/o Adiseshaiah, Age 58 Yrs, Asst. Geologist, FAC Asst. Director of Mines & Geology, Guntur.

On examination, he stated that he is working as an Asst. Geologist and holding Full Additional Charge of Asst. Director of Mines & Geology, Guntur since 29.04.2020. He corroborated the version of LW-3, Sri Kamepalli Venkateswarlu, Asst. Director of Regional Vigilance Squad, Mines and Geology Dept., Ongole in all material aspects and added that on 09.07.2020, at the request of the AO, the DEO (Outsourcing), Sri Velpuri Srinivasa Rao working in his office generated a challan in

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the name of the AO for an amount of Rs.1,00,000/- to be remitted in the DDO account of the AD, Mines & Geology, Guntur. Sri Velpuri Srinivasa Rao, DEO handed over the challan to the Complainant on 09.07.2020 as per the instructions of the AO. On perusal of the accounts, it is revealed that on 09.07.2020 an amount of Rs.1,00,000/- was paid in the DDO account No. 06011307001 of AD, Mines & Geology, Guntur by the AO vide transaction ID No. 40038760782020 of State Bank of India, Chandra Mouli Nagar, Brundavan Gardens, Guntur. In respect of the above transaction, Challan No. 41072790132020, Dt. 09.07.2020 was raised in CFMS indicating that the same amount of Rs.1,00,000/- was remitted by the AO debited to the accounts of the AD Mines & Geology, Guntur. Usually, as and when any competent official collects a fine amount or compounding amount within the jurisdiction of the AD, Mines & Geology, Guntur from the violator, they will remit the amounts so collected in the account of the AD, Mines & Geology, Guntur. Later, the officer who has collected the fine amount/compounding amount will send a report to him for reconciliation of the accounts. In this instant case, the AO did not send any report to him. Further, he came to know that the AO collected Rs.1,00,000/- as a fine amount from the Complainant and remitted the same in the accounts of the AD, Mines & Geology, Guntur on 09.07.2020. He also came to know that the AO was trapped by ACB Officials when he demanded and accepted the bribe of Rs.2,00,000/- from the Complainant and the ACB Officials seized the Original Challan Reference Form vide transaction ID. No.40038760782020 of State Bank of India, Chandra Mouli Nagar, Brundavan Gardens, Guntur from his possession. He further added that the State Government issued Amendment Orders to the Andhra Pradesh Minor Mineral Concession Rules, 1966 through G.O. Ms. No.71, Dt.04.09.2019 of Industries, Infrastructure, Investment and Commerce (Mines-II) Department. As per the orders communicated through the GO, the AO is not competent to collect any fine amount/compounding amount in respect of violations in the de-casting of sand in patta-lands. The collection of fine amounts/compounding amounts from the violators in the de-casting of sand in patta-

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lands is vested with the APMDC.

5. Sri Damarla Srinivasa Rao, Joint Director, O/o APMDC, Tadigadapa, R/o H.No. 18-185, JanjanamVari Street, Bhargavpet, Mangalagiri.

On examination, he stated that he is working as a Joint Director in APMDC, Tadigadapa for 1½ years. He added that the State Government issued Amendment Orders to the Andhra Pradesh Minor Mineral Concession Rules, 1966 through G.O. Ms. No.71, Dt.04.09.2019 of the Industries, Infrastructure, Investment and Commerce (Mines-II) Department. As per the instructions communicated through the GO, the AO is not competent to collect any fine amount/compounding amount in respect of violations in the de-casting of sand in patta-lands. The collection of fine amounts/ compounding amounts is vested with the APMDC.

6. Sri Kaila Jaya Gopal, S/o Nancharaiah, Age 23 yrs, working as Supervisor under the Complainant since June 2020 at sand reach at patta-land, Bommmuvanipalem Village, Kollipara Mandal, R/o Vemulapalli (v), Kodali Mandal, Krishna District.

On examination, he stated that he is working as a Supervisor at the Sand Reach at Bommuvanipalem (v), Kollipara Mandal of the Complainant wherein sand is being de-casted in patta-lands since June 2020. He added that on 06.07.2020, the AO and his staff inspected the sand reach of the Complainant and pointed out that the Complainant excavated more quantity of sand than the permitted quantity by violating the conditions specified in the permission order issued by the Government. At that time, he was present at the sand reach site and informed the Complainant by making a phone call to his Mobile No. 95159 49686 about the visit of the AO. After some time, the Complainant came to the sand reach site and met the AO, both of them went aside and talked to each other. He did not know what they talked to each other. Thereafter, he came to know that the AO was trapped by the ACB Officials on 09.07.2020 when he demanded and accepted the bribe of Rs.2,00,000/- from the Complainant.

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7. Sri Manchala Jhon Ratnakara Babu, S/oVaradanam, Aged 41 yrs, Royalty Inspector, O/o the Regional Vigilance Squad, M&G Dept., Opposite to Collectorate, Ongole, R/o D.No. 7-6-359/9, 1st Lane, Sarada Nagar, Guntur.

On examination, he stated that he is working as a Royalty Inspector in the O/o the Regional Vigilance Squad, Mines and Geology, Ongole for one year. He added that his office is having jurisdiction over three Districts viz; Guntur, Ongole, and Nellore District. They will generally inspect Quarry Lease/ Mining Lease/ Mineral Dealer Licenses/ Checking of Transportation of Minerals. On 06.07.2020 as per the instructions of the AO, he and Attender Sri Mekala Ravi accompanied the AO in the hire car of the Dept. driven by Sri Alla Poornachandra Rao to location No. PL-3, the patta-land at Bommuvanipalem (V), Kollipara Mandal, wherein the sand is being de-casted by the Complainant. The AO has taken measurements of the patta-land wherein de-casting of sand was going on with his assistance and Attender Ravi. The AO has noted down measurements on a paper and informed them that he will prepare a report in the office at Ongole. Thereafter, they returned from Bommuvanipalem (v). Later, he came to know that the AO did not prepare any report on the above Inspection. Further, he came to know that the ACB Officials have trapped the AO on 09.07.2020 when he demanded and accepted the bribe of Rs.2,00,000/- from the Complainant.

8. Sri Mekala Ravi, S/o Rama Swamy, Age 36 Yrs, Attender (Outsourcing), O/o Regional Vigilance Squad, M&G Dept., Ongole, R/o D.No. 121-3-504, Janmabhoomi Nagar, Pedapalakaluru (v), Guntur Mandal, Guntur City.

9. Sri Alla Poornachandra Rao, S/oMarkandeyulu, Age 37 yrs, Driver to the hired vehicle used by the O/o Regional Vigilance Squad, M&G Dept., Ongole, opposite to AnjaneyaSwamy Temple, Etukuru Village.

Witness Nos.8 and 9 are the Attender and AO's office hire vehicle Driver and on examination, both corroborated the version of the LW-7 in all material aspects.

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10. Sri Velpuri Srinivasa Rao, S/o Subba Rao, Age 51 yrs, DEO, O/o the Asst. Director of Mines and Geology, 4th Lane, Pandaripuram, Guntur, R/o. D.No.24-31-88, near Mosque, 20th Lane, Indira Gandhi Nagar (Nallachervu), Guntur.

On examination, he stated that he is working as a Data Entry Operator in the office of the Asst. Director of Mines & Geology, Guntur located at 4th Lane, Pandaripuram, Guntur since 02.06.2008. He added that he is attending to the online works allotted to him by the A.D., Mines & Geology, Guntur, and also attend to the remittance of amounts collected by the Officials in their Office in the Govt. Accounts. For remittance of penalty amounts, Challan should be generated from the Website of Mines & Geology in the name of the Official who has collected the penalty amounts and remitting in the Govt. accounts. On 09.07.2020 at about 10.30 AM the AO called him from his cell No.9441214449 and asked him to generate a challan for Rs.1,00,000/-. When he asked the AO on whose name the challan has to be generated, the AO instructed him to generate challan in his name and further instructed him to hand over the challan to the Complainant who visits the office to remit the amount. Accordingly, he generated the challan in the name of the AO and handed over the same to the Complainant when he visited their office. Later, in the evening, he came to know that the AO was trapped by the ACB Officials when he demanded and accepted the bribe of Rs.2,00,000/- from the Complainant.

11. Sri Dasari AdiSeshaiah, S/o Hrudayeswara Rao, Age 44 yrs, Rythu Nestham Natural Products, shop in NTR Municipal Stadium, Opposite to SBI, Brindavan Garden Center, Guntur, R/o D.No.2-75, Chamallamudi Village, Vatticherukuru Mandal, Guntur District.

He is a neighbor to the 'Scene of Offence' and he is maintaining one shop in the name and style of 'RythuNestham' Products in NTR Stadium Municipal Shopping Complex opposite the SBI ATM near the Scene of Offence and on examination, he stated that he noticed the gathering in front of SBI ATM on road opposite to his shop. On enquiry, he stated that he came to know that the Officer of Mines & Geology (AO)

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was trapped by ACB Officials when the AO demanded and accepted the bribe of Rs.2,00,000/-.

12. **Sri Chirumamilla Gangadhar, S/o Gopala Rao, Age 46 yrs, Cycle Shop, NTR Stadium, Municipal Shopping Complex Opposite to SBI, Brindavan Gardens, Guntur, R/o D.No. 5-90-33/4, 7/1 Lane, Chandra Mouli Nagar, Guntur.**

He is a neighbor to the 'Scene of Offence' and he is maintaining a Cycle Shop in NTR Stadium Municipal Shopping Complex, opposite the SBI ATM near the Scene of Offence. On enquiry, he stated that he came to know that the Officer of Mines & Geology (AO) was trapped by the ACB Officials when the AO demanded and accepted the bribe of Rs. 2,00,000/-.

13. **Sri Arumalla Kasi Visweswara Reddy, S/o Krishna Reddy, Age 59 yrs, Asst. Accounts Officer, O/o Electricity Revenue Office, APCPDCL, Near Sangam Milk Book, Amaravathi Road, Guntur, R/o D.No. 4-5-32/67C, 1st Lane, 1st Cross Road, Vidya Nagar, Guntur.**

14. **Sri Chilamkuri Srinivasa Rao, S/o Krishna Murthy, Age 40 yrs, Jr. Asst. O/o Electricity Revenue Office, APCPDCL, Near Sangam Milk Book, Amaravathi Road, Guntur, R/o Jayatra Corner Stone, Near Balakuteer School, 3rd Lane, Syamala Nagar, Guntur.**

Witness Nos.13 and 14 are the mediators and speak about the Pre and Post Trap Proceedings incorporated by them in the Mediators' Report No.I& II, Dt.09.07.2020.

DOCUMENTARY EVIDENCE:

Following is the Documentary Evidence available to substantiate the allegation.

1. **Complaint, Dt. 07.07.2020 given by the Complainant.**

It reveals the facts of the demand of bribe amount of Rs.2,00,000/- by the AO for doing an official favour pending with him.

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2. **FIR in Cr.No.05/RCT-ACB-GNT/2020, Dt.09.07.2020.**

It reveals that a report was received from the Complainant with regard to demand of bribe and registration of the case against the AO.

3. **Mediators Report-I:** It reveals Pre-Trap happenings, Dt. 09.07.2020.

4. **Mediators Report-II:** It reveals Post Trap happenings, Dt. 09.07.2020.

5. **Made-Up file pertaining to Challan Reference Form with transaction ID No.40038760782020, Dt.09.07.2020 for the payment of Rs.1,00,000/- issued by the SBI, Chandra Mouli Nagar Branch, Guntur in the remitters name of Sri K.VeeraSwamy, Asst. Geologist, O/o RVS, Ongole (AO):**

On perusal of the same revealed that it is the Challan Reference Form with transaction ID No.40038760782020, Dt.09.07.2020 for the payment of the amount of Rs.1,00,000/- issued by the State Bank of India, Chandra Mouli Nagar, Guntur. In the column of remitter's name and address, it was filled as Sri K. Veera Swamy, Asst. Geologist, Office of RVS, Ongole (AO).

6. **Attested copy of APTC Form -10 with Challan No.41072790132020, Dt.09.07.2020.**

On perusal of the same revealed that this Challan was raised in CFMS for the Challan Reference Form with transaction ID No.40038760782020, Dt.09.07.2020 of SBI, Chandra Mouli Nagar, Brundavan Gardens, Guntur, wherein, an amount of Rs.1,00,000/- was remitted in the name of the AO on 09.07.2020 to the accounts of A.D., Mines & Geology, Guntur.

7. **Proceedings No.518/S/PL/2020, Dt.02.06.2020 of the Collector & District Magistrate, Guntur.**

A perusal of the same revealed that it is the permission for the de-casting of sand in patta-land to an extent of Ac.4.66 Cts. located in Sy. No.206 (P) and 207 of Bommuvanipalem Village of Kollipara Mandal issued to Sri Bulla Kishore and Sri

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Battu Vinay Kumar of Challapalli Village, Krishna District (the lease holders of the patta-land) for a quantity of 37718.04 cubic meters for a period of 06 months from 02.06.2020 to 01.02.2020 subject to the conditions mentioned in the proceedings. The subject land was ordered to be handed over to M/s. APMDC Ltd., for de-casting and disposal of sand.

Accordingly, an agreement Dt.06.06.2020 was executed in between the Joint Collector, Guntur and Ex-Officio Executive Director, M/s. APMDC Ltd., and the leaseholders Sri Bulla Kishore and Sri Battu Vijay Kumar of Challapalli Village and Mandal of Krishna District.

The evidence of the above document is in corroboration to the version of the Complainant in his report, Dt.07.07.2020 submitted to the ACB, Guntur.

8. Statement of the Complainant recorded U/s 164 Cr. P.C:

A perusal of the same revealed that the statement of the Complainant was got recorded U/s 164 Cr. PC by the Hon'ble III AJCJ, Guntur on 03.11.2020. The Complainant corroborated the contents of his report submitted to ACB, Guntur, Pre and Post-Trap Proceedings, Dt.09.07.2020 to the extent concerning to him.

9. Statement of the accompanying witness (LW-2) recorded u/s 164 Cr. P.C:

A perusal of the same revealed that the statement of the accompanying witness (LW-2) was got recorded u/s 164 Cr. PC by the Hon'ble III AJCJ, Guntur on 03.11.2020. He corroborated the contents of his statement U/s 161 Cr. PC.

10. Certificate U/s 65 (B) of Indian Evidence Act issued by the Complainant.

The Document certifies the video recording of the conversation between the Complainant and the AO in the cell phone of the Complainant, when the AO was

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demanding bribe on 07.07.2020 and transferring the said conversation file into the Compact Disc (CD) by the Complainant and the contents in the CD are true reproduction of the original data recorded in the cell phone of the Complainant.

11. Letter Dt.29.09.2020 of the Nodal Officer, Bharathi Airtel Limited, Begumpet, Hyderabad along with the Certificate U/s 65-B 4 (c) of the Indian Evidence Act, 1872.

A perusal of the same revealed that the Nodal Officer, Bharathi Airtel Limited, Hyderabad furnished the Certified Photostat copy of the Customer Application Form which disclosed that Sri Kancherla Veera Swamy, S/o Venkateswarlu (Accused Officer) is their customer with SIM No. 9441214449.

He also furnished the Call Details Reports (CDRs) for mobile No.9441214449 – 12 Pages (Accused Officer mobile number) and for the mobile No.9515949686 – 22 Pages (the Complainant using the mobile No.) for the period from 15.06.2020 to 15.07.2020.

Analysis of Call Details Records (CDRs) between the mobile Nos.9441214449 (The Accused Officer's mobile number) and 9515949686 (the Complainant using the mobile No.) is as follows.

Sl.No	Called from (Complainant Mobile No.)	Called to (AO Mobile No.)	Date & time	Duration	Remarks
1	9515949686	9441214449	07.07.2020 at 7.54 hrs	59 Secs	The Complainant negotiated with the AO over the phone and received instructions from him regarding the
2	9515949686	9441214449	07.07.2020 at 13.21 hrs	2 Secs	
3	9515949686	9441214449	07.07.2020 at 13.21 hrs	315 Secs	
4	9515949686	9441214449	07.07.2020 at 16.18 hrs	14 Secs	

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5	9515949686	9441214449	08.07.2020 at 8.12 hrs	26 Secs	payment of bribe.
6	9515949686	9441214449	08.07.2020 at 12.47 hrs	18 Secs	
7	9515949686	9441214449	08.07.2020 at 16.31 hrs	1 Sec	
8	9441214449	9515949686	08.07.2020 at 16.32 hrs	194 Sec	
9	9515949686	9441214449	08.07.2020 at 16.40 hrs	73 Secs	
10	9515949686	9441214449	09.07.2020 at 9.19 hrs	23 Secs	On the date of Trap, both the AO and the Complainant had discussion over the phone regarding the collection of Challan from the office and remittance of Challana amount in the bank by the Complainant.
11	9515949686	9441214449	09.07.2020 at 10.31 hrs	14 Secs	
12	9441214449	9515949686	09.07.2020 at 10.33 hrs	81 Secs	
13	9441214449	9515949686	09.07.2020 at 11.01 hrs	23 Secs	
14	9441214449	9515949686	09.07.2020 at 12.22 hrs	34 Secs	
15	9441214449	9515949686	09.07.2020 at 13.17 hrs	17 Secs	

12. G.O. Ms. No.71, Dt.04.09.2019 of Industries, Infrastructure, Investment and Commerce (Mines-II) Department of Govt. of Andhra Pradesh.

The Govt. of Andhra Pradesh as a part of Regulation of Sand Mining in the State has issued Amendment Orders to the Andhra Pradesh Minor Mineral Concession Rules, 1966 through the G.O, wherein Rule 9-B of the Rules were Amended with regard to (1) Sand Sourced from Rivers & Streams (2) De-Siltation of Dams / Reservoirs / Barrages / Large Tanks (3) De-casting Sand from patta-lands and etc.

The following are the Rules there on communicated through the above G.O in respect of the De-casting of Sand from Patta Lands.

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De-casting sand from patta-lands:

A. De-casting in patta-lands falling within the River bed:

i. The Pattadar shall apply to the District Collector along with a copy of the Pattadar Passbook and Title Deed and the location of the Land on their Village Map.

ii. District Collector shall forward the application to the Asst. Director of Mines & Geology (ADMG) concerned and the ADMG shall take up Joint Inspection of the Patta Land with the following:

a) The Tahsildar shall identify the Patta Land, Possessor/ Occupier, and furnish an attested sketch demarcating the area. The boundaries will then be fixed on the ground.

b) The project Officer / Nominee of M/s. APMDC Ltd shall also be part of the Joint Inspection team for the Patta Land where the Pattadar is giving willingness/consent for De-casting sand to M/s. APMDC Ltd,.

c) Mandal Agriculture Officer shall assess the thickness of the sand to be removed to make the Land fit for Agriculture.

d) The Ground Water Dept. shall record the GEO coordinates of the Patta Land as per boundaries fixed by the Tahsildar and give a feasibility report.

e) Executive Engineer, Irrigation Dept., concerned shall issue clearance for De-casting of Patta Lands and the location of Patta Land with reference to River Course / Bed along with the Ramp points.

f) Assistant Director of Mines & Geology shall stipulate the period of De-casting and assess the feasible quantity of Sand to be De-casted.

iii. After receipt of the Joint Inspection Report, the Deputy Director of Mines & Geology concerned shall place the proposals for De-casting sand before the District Level Sand Committee.

iv. The District Level Sand Committee (DLSC) shall examine the proposals on De-casting sand from Patta Lands and accord its approval duly imposing the conditions as deemed fit.

v. After receipt of orders from the District Level Sand Committee (DLSC), the

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District Collector shall issue necessary permission to the Deputy Director of Mines & Geology to obtain necessary statutory clearances from the Competent Authorities in the name of the District Collector.

vi. Upon receipt of the Statutory Clearances, the District Collector shall entrust the work to M/s. APMDC Ltd, for De-casting.

vii. M/s. Andhra Pradesh Mineral Development Corporation Limited shall enter into an agreement with Pattadar as per mutually agreed terms and conditions to undertake the De-casting of sand from Patta Lands and for payment of the beneficiary amount to Pattadar.

viii. The Pattadar will be paid a beneficiary amount as fixed by the Government.

ix. M/s. APMDC Ltd. shall appoint a raising contractor under the Competitive Reverse Bidding Process.

x. The sand so De-casted shall be moved to Stockyards managed by M/s. APMDC Ltd. for subsequent disposal to end consumers as per the procedure laid down in Sub-Rule 1(d) of Rule 9-B above.

xi. Any contravention of conditions for De-casting by the Pattadar, the Chairman, District Level Stand Committee (DLSC) may order for collection of **(a)** Rs.1,00,000/- or Rs.500/- per TON whichever is higher as penalty on De-casting sand beyond the specified extent or in excess of permitted depth. **(b)** Repeated violations will result in the cancellation of permission.

xii. To prevent indiscriminate removal of the Sand from Patta Lands abutting the Riverbed, more rigorous vigilance and inspections shall be taken up.

13. Copy of Proceedings No.13841/E1/2017-5, Dt.27.02.2019 of the Director of Mines & Geology, A.P., Ibrahimpatnam.

A perusal of the same revealed that the Director of Mines & Geology, A.P., Ibrahimpatnam communicated the Job Charts of the officials of Regional Vigilance Squads in the A.P. The following is the Job Chart in respect of Asst. Geologist, (Regional Vigilance Squad).

Sl. No.	Name & Designation	Duties & Responsibilities
01	**Sri KancharlaVeera Swamy Assistant Geologist (AO)**	▪ Inspection of Mines and Quarries independently randomly allotted. ▪ Inspection of Mineral Based Industries. ▪ Collection of Data on minerals, mineral-based industries, value and output, cost of production, and related matters. Furnishing data regarding quantity, quality, source, and cost of mineral raw material and reports on such industries. ▪ Enquiring complaints received/paper clipping/ electronic media regarding illicit mining and quarries and illicit transport of minerals. ▪ Scrutiny of all the files that are to be submitted to the Asst. Director of Mines & Geology and to dispose of all the routine files at his level. ▪ Surprise inspection of check posts as per the programme approved by the Asst. Director of Mines & Geology concerned. ▪ Shall monitor the work of Royalty Inspector, & Technical Assistants regarding the inspection of mines/quarries and also illicit excavation and transportation of minerals. ▪ Any other work entrusted by the Asst. Director of Mines & Geology (RVS) from time to time.

Thus, in view of the above mentioned oral and documentary evidence, it is revealed that the Government Servant Sri Kancherla Veeraswamy S/o. Venkateswarlu, Asst., Geologist, O/o Asst. Director, Regional Vigilance Squad, Ongole, had demanded and accepted a bribe amount of Rs.2,00,000/- from the complainant for doing the official favour to reduce the compounding fee amount from Rs.5,00,000/- to Rs.1,00,000/- with regard to violation of condition of sand de- casting

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license at Bommuvanipalem village, Kollipara Mandal, Guntur District which is the subject matter in Cr. No.05/RCT-ACB-GNT/2020 Dt.09.07.2020 U/s 7(a) of PC (Amendment) Act 2018 of ACB, Guntur District.

Thus, Government Servant Sri Kancherla Veeraswamy, S/o Venkateswarlu, Asst., Geologist, O/o Asst. Director, Regional Vigilance Squad, Ongole,(now working in the O/o District Mines and Geology office 54-19-22/5A, Second floor, Jai Prakesh nagar, 3rd line LIC colony, Vijayawada, NTR District) by his above-mentioned acts has exhibited a lack of integrity, devotion to duty and conduct unbecoming of a Government Servant violated Rule 3 (1) and 3 (2) of A.P.C.S., (Conduct) Rules, 1964.

Therefore, the Government Servant rendered himself liable for regular departmental enquiry for a major penalty.

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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ANNEXURE-III

List of Witnesses:

S. No.	Name and address of the witness	The gist of the statement.
1	**LW-1:** Sri Battu Vijay Sagar s/o Naga Raju, aged 28 years, Challapalli village & Mandal, Krishna District.	He is the complainant in this case. He speaks about his complaint, Dt.07.07.2020 and speaks to the facts of Pre and Post-Trap proceedings to corroborate his 164 Cr. P.C. Statement etc., facts.
2	**LW-2:** Sri Guduru Naresh s/o Seshagiri Rao, aged 37 years, Native of Machilipatnam, R/o D.No.2-175, Opposite to Rajya Lakshmi General Stores, RangaBomma Center, Kanuru, Vijayawada.	He is the friend of the Complainant. He speaks about his writing of the complaint (report) to the DSP, ACB, Guntur as requested and dictated by the Complainant and hand over the same to the Complainant on 07.07.2020. He further speaks to the facts of pre and Post-Trap proceedings, Dt.09.07.2020 and to corroborate the version of the Complainant in all material aspects and his 164 Cr. P.C. Statement etc., facts.
3	**LW-3:** Sri Kamepalli Venkateswarlu, S/o Nagabushanam, 57 yrs, Asst. Director of Regional Vigilance Squad, Mines and Geology Dept., Ongole r/o. Flat No.319, Sri Krishna Residency, Tadigadapa, Vijayawada Cell No.9100688440. Now holding the additional charge as District Sand Officer, APMDC, Guntur.	To speak to the procedure for obtaining the permission/license to de-cast the sand from patta-land and to sell the sand and further speak to the procedure to impose the compounding amount/fee for violations in the de-casting of sand in patta-lands as per the Government Orders and his coming to know about the trap of AO on 09.07.2020 by ACB officials when he demanded and accepted a bribe of Rs.2,00,000/- from LW-1 in the guise of imposing the compounding amount/fee by pointing out that the Complainant excavated more quantity of sand than the permitted quantity by violating the conditions.

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4	**LW-4:** Sri Mogili Vishnu Vardhana Rao, S/o Adiseshaiah, Age 58 yrs, Asst. Geologist, FAC Asst. Director of Mines & Geology, Guntur, cell No.9440817748.	He corroborated the version of LW-3 in all material aspects. He speaks about the generation of the Challan in the name of the AO and handed it over to the Complainant through the DEO at the request of the AO at his office for an amount of Rs.1,00,000/- and remittance of the same by the AO to the DDO account of AD, Mines & Geology, Guntur on 09.07.2020.
5	**LW-5:** Sri Damarla Srinivasa Rao, Joint Director, O/o APMDC, Tadigadapa, R/o H.No.18-185, Janjanam Vari Street, Bhargavpet, Mangalagiri, cell No.9100688803.	He speaks that the AO is not competent to collect any fine amount/compounding amount in respect of violations in the de-casting of sand in patta-lands, the collection of fine amounts/ compounding amounts is vested with the APMDC as per G.O. Ms. No.71, Dt.04.09.2019 of the Industries, Infrastructure, Investment and Commerce (Mines-II) Dept.
6	**LW-6:** Sri Kaila Jaya Gopal, S/o Nancharaiah, 23 yrs, working as Supervisor under the complainant since June, 2020 at Sand reach at Patta Land, Bommmuvanipalem, Kollipara Mandal, R/o. Vemulapalli (v), Kodali Mandal, Krishna District.	To speak to his presence while the AO and his staff inspected the sand reach of the Complainant on 06.07.2020 and his communication of the same to the Complainant and about the remarks of the AO that the Complainant excavated more quantity of sand than the permitted quantity by violating the conditions specified in the permission order issued by the Government.
7	**LW-7:** Sri Manchala John Ratnakara Babu, S/O Varadanam, Age 41 yrs, Royalty Inspector, O/o Regional Vigilance Squad, M&G Dept., Opposite to Collectorate, Ongole, R/o. D.No.7-6-359/9, 1st lane, Sarada Nagar, Guntur Cell No.9100682228, 9490077770.	To speak to his participation in the inspection conducted by the AO at the sand reach of the Complainant on 06.07.2020, and recording of measurements by the AO with his assistance and attender Ravi during the inspection.

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8	**LW-8:** Sri Mekala Ravi, S/o Rama Swamy, Age 36 yrs, Attender (Outsourcing), O/o. Regional Vigilance Squad, M&G Dept., Ongole, R/o D. No.121-3-504, Janmabhoomi Nagar, Pedapalakaluru(v), Guntur Mandal, Guntur City.	Witness Nos.8 and 9 are the Attender and driver working under the AO. They corroborated the version of witness No.7 in all material aspects regarding the inspection of the AO at the sand reach of the Complainant on 06.07.2020.
9	**LW-9:** Sri Alla Poornachandra Rao, S/O. Markandeyulu, Age 37 yrs, Driver on hired vehicle used by the O/o. Regional Vigilance Squad, M & G Dept., Ongole, R/o Opposite to Anjaneya Swamy temple, Etukuru.	
10	**LW-10:** Sri Velpuri Srinivasa Rao, S/o Subba Rao, Age 51 yrs, DEO, O/o. Asst. Director of Mines and Geology, 4th lane, Pandaripuram, Guntur R/o. D.No.24-31-88, near Mosque, 20th lane, Indira Gandhi Nagar (Nallachervu), Guntur. (Mobile Nos. 8886071457, 970343948)	To speak to his generation of the challan in the name of the AO and handed over the same to the Complainant when he visited his office.
11	**LW-11**: Sri Dasari AdiSeshaiah, S/o Hrudayeswara Rao, Age 44 yrs, Rythu Nestham Natural Products, shop in NTR Municipal Stadium, Opposite to SBI, Brindavan Garden center, Guntur R/o D.No.2-75, Chamallamudi village, Vatticherukuru Mandal, Guntur District.	To speak to his presence on 09.07.2020 at his shop in NTR Stadium Municipal Shopping Complex opposite the SBI ATM near the Scene of Offence and witnessed the gathering in front of SBI ATM on road opposite to his shop, and his coming to know that the AO was trapped by ACB Officials when the AO demanded and accepted the bribe of Rs.2,00,000/-.

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12	**LW-12**:Sri Chirumamilla Gangadhar, s/o Gopala Rao, Age 46 years, Cycle shop, NTR stadium, Municipal shopping complex opposite to SBI, Brindavan Gardens, Guntur R/o D.No.5-90-33/4, 7/1 Chandra Mouli Nagar, Guntur, Cell No.9491662968.	To speak to his presence on 09.07.2020 at his cycle shop in NTR Stadium Municipal Shopping Complex opposite the SBI ATM near the Scene of Offence and witnessed the gathering in front of SBI ATM on road opposite to his shop, and his coming to know the AO was trapped by ACB Officials when the AO demanded and accepted the bribe of Rs. 2,00,000/-.
13	**LW-13**: Sri Arumalla Kasi Visweswara Reddy s/o Krishna Reddy, aged 59 years, Asst. Accounts Officer, O/o Electricity Revenue Office, APCPDCL, near Sangam Milk Book, Amaravathi Road, Guntur R/o D.No.4-5-32/67C, 1st lane, 1st cross road, Vidya Nagar, Guntur-522007. Ph:-9440812350 & 9849079782	To speak to the facts of having deputed to the ACB office by their controlling authority, their participation in pre and post-trap proceedings and drafting of Mediator Reports - I & II, Dt.09.07.2020 and etc., facts.
14	**LW-14**: Sri Chilamkuri Srinivasa Rao s/o Krishna Murthy, aged 40 years, Jr. Asst. O/o Electricity Revenue Office, APCPDCL, near Sangam Milk Book, Amaravathi Road, Guntur R/o Jayatra Corner Stone, near Balakuteer school, 3rd lane, Syamala Nagar, Guntur - 522006. Ph:- 9492686055	
15	**LW-15:** Sri M.Suryanarayana Reddy, Dy. Supdt. of Police, ACB, Guntur.	To speak to his receiving the report from LW-1, registration of the case, conducting of Pre-Trap Proceedings, laying trap against AO and conducting Post Trap Proceedings, examination of LWs – 1, 2, 3, 11 & 12, preparations of Rough Sketch of the Scene of Offence, arrest of AO, entrusting the further investigation to LW-16 and etc, facts.

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16	**LW-16:** Sri G.Sridhar, Inspector, Range-II, ACB, Guntur District.	To speak to his conducting of the enquiry and submit his enquiry report to the LW-15, assisting in Pre and Post Trap Proceedings, his further investigation, recording the statement of LWs – 4 to 10 and etc facts.
17	**LW-17:** Sri G.Anji Babu Inspector, ACB, Guntur District.	To speak to filing of the DACs against the GS.

GOPAL KRISHNA DWIVEDI

SPECIAL CHIEF SECRETARY TO GOVERNMENT

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Annexure-IV

List of Documents:

S. No	Particulars of Document	Gist of Evidence
1.	The complaint, Dt:07.07.2020 given by the Complainant Sri Battu Vijay Sagar s/o Nagaraju, Challapalli village & Mandal, Krishna District.	It shows that the demand of bribe of Rs.2,00,000/- by the AO for doing the official favour i.e., to reduce the compounding fee amount from Rs.5,00,000/- to Rs.1,00,000/- with regard to violation of condition of sand de-casting license at Bommuvanipalem village, Kollipara Mandal, Guntur District.
2.	FIR in Cr. No.05/RCT-ACB-GNT/2020U/s 7 (a) of the Prevention of Corruption (Amendment) Act, 2018, Dt:09.07.2020 of ACB, Guntur.	It shows that a report was received from LW-1 against the AO with regard to the demand of bribe of Rs.2,00,000/-, and verified the antecedents of the complaint and the AO and registration of the case against the AO and etc., facts.
3.	Mediators' Report-I drafted in the office of the Addl. Supdt. of Police, ACB, Guntur District between 12.00 hours and 14.00 hours on 09.07.2020	It shows that the Pre-Trap Proceedings conducted to lay the trap against the AO and etc., facts.
4.	Mediators' Report-II drafted at the Office of ACB, Guntur, Kannavarithota, behind Guntur Medical College, Guntur between 16.30 hours and 22.15 hours on 09.07.2020.	It shows that the demand and acceptance of bribe amount of Rs.2,00,000/- by the AO from LW-1 and the tainted amount was recovered at the instance of AO from the two wheeler of the AO and conducted Chemical Test and prepared a rough sketch of the scene of offence in the presence of mediators, etc facts.

(P.T.O)

5.	Made-Up-File pertaining to Chalana Reference FORM with transaction ID No.40038760782020 dated.09.07.2020	It Contains Chalana Reference Form with transaction ID No.40038760782020, Dt. 09.07.2020 for the payment of Rs.1,00,000/- issued by the SBI, CM Nagar Br., Guntur in the remitters name of K.Veera Swamy, Asst. Geologist, O/o RVS, Ongole (AO).
6.	Attested copy of APTC FORM-10 with Challan No.41072790132020, dated.09.07.2020.	It contains the challan that was raised in CFMS for the Challan Reference Form with transaction ID No.40038760782020 dt.09.07.2020 of SBI, Chandra Mouli Nagar, Brundavan Gardens, Guntur, wherein an amount of Rs.1,00,000/- was remitted in the name of A.O. on 09.07.2020 to the accounts of A.D., Mines & Geology, Guntur.
7.	Proceedings No.518/S/PL/2020, dt.02.06.2020 of the Collector & District Magistrate, Guntur.	It contains the permission for the De-casting of sand in patta land to an extent of Ac.4.66 located in Sy. No.206(P) and 207 of Bommuvanipalem village of Kollipara Mandal issued to Sri Bulla Kishore and Sri Battu Vinay Kumar of Challapalli village, Krishna District (the lease holders of the patta land) for a quantity of 37718.04 cubic meters for a period of 6 months from 02.06.2020 to 01.02.2020 subject to the conditions mentioned in the proceedings.
8.	Statement of the Complainant Sri Battu Vijay Sagar s/o Naga Raju, aged 28 years, Challapalli village & Mandal, Krishna District Dt.03.11.2020 recorded U/s 164 Cr.P.C.	It corroborates the facts of the complaint, Pre-Trap and Post-Trap Proceedings and the evidence in this document is corroborating the version of LW-1 in all aspects.

(Contd...)

9.	Statement of the Guduru Naresh s/o Seshagiri Rao, aged 37 years, Native of Machilipatnam, R/o D.No.2-175, Opposite to Rajya Lakshmi General Stores, RangaBomma Center, Kanuru, Vijayawada. Dt.03.11.2020 recorded U/s 164 Cr.P.C.	It corroborates the facts of the accompanying witness, LW-1,Pre-Trap and Post-Trap Proceedings in all aspects.
10.	Certificate U/s 65-B of the Indian Evidence Act issued by the Complainant.	It is the Certificate issued by LW-1, the video recording of the conversation between LW-1 and the AO on 07.07.2020 and transferring the same onto the Compact Disc by LW-1, etc facts.
11.	Certificate & Letter Dt.29.09.2020 of the Nodal Officer, Bharti Airtel Pvt. Limited, Splendid Towers,	It reveals that Mobile No.9515949686 held in the name of the Complainant and on perusal of CDRs of the above SIM during the period between 15.06.2019 and 08.07.2019 call transactions were made between the mobile numbers of the AO and the Complainant.

GOPAL KRISHNA DWIVEDI

SPECIAL CHIEF SECRETARY TO GOVERNMENT